

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 6, 7 and 13 are amended and claims 3, 5, 11, 12 and 14-20 are cancelled without prejudice or disclaimer. New claims 21-39 are added. No new matter is added to the application. Accordingly, by the present Response, claims 1, 2, 4, 6-10, 13 and 21-39 are pending in the application. Re-examination and reconsideration of the application, as amended, are requested.

Claims 1-7 and 16-18 have been rejected under 35 U.S.C. 102(e) as being anticipated by Koopersmith et al. (U.S. Patent Appl. Publ. No. 2001/0042002). With regard to cancelled claims 3, 5 and 16-18, this rejection is moot. With regard to claims 1, 2, 4 and 6, this rejection is respectfully traversed as follows.

1. Claim 1:

Claim 1 recites a data transmission management system that is neither described nor suggested by Koopersmith. For example, the system of claim 1 includes a confirmation system “configured to receive a request for data transmitted from the user computer and to confirm the request for data prior to the transmission of the data to the user computer.” It is respectfully submitted that Koopersmith does not disclose or suggest a confirmation system configured to receive a request for data and then confirm the request prior to transmitting requested data to the user computer. While Koopersmith’s method involves receiving a request for data from a user, Koopersmith responds to the request by sending selected data to the user, but does not describe or suggest a process of confirming the user’s request prior to sending that data.

More specifically, with regard to claim 1, the Examiner argues that Koopersmith discloses “a confirmation system ... configured to receive a request for data transmitted from the user computer and to confirm the request for data prior to the transmission of the data to the user computer” (where the Examiner cites Koopersmith’s elements 105, 112, Fig. 4 and paragraphs 0043, 0045, 0048 and 0085). It is respectfully submitted that Koopersmith does not disclose or

suggest a confirmation system configured as recited in claim 1 (configured to receive a request for data and to confirm the request prior to transmission of the data).

Instead, Koopersmith describes “the method by which a search request from one of the consumers 107 is fulfilled ...” with reference to the block diagram of Fig. 6 and paragraph 0092 et seq. In that method, Koopersmith states that “Step 1” involves a consumer 107.1 using a consumer device 105.1 to issue an information request 652 to the server 112, requesting information regarding a desired item, e.g., two slice toaster ovens. (See Koopersmith at paragraph [0092], lines 4-7.) Koopersmith fails to describe any communication of a confirmation message to the consumer before the requested information is sent.

Rather, Koopersmith proceeds to describe “Step 2A and 2B” in which the server 112 operates to search datamart 525 and other servers for matches to the search request. Then, in Koopersmith’s “Step 3,” the server 112 filters the information, and in “Step 4,” the server 112 “sends a message 670 to the consumer 107.1 containing a focused and tailored response to the information request 652. (Koopersmith, paragraph [0093], lines 1-6 and paragraph [0095], lines 1-3.) Koopersmith does not describe or suggest any communication of a confirmation message to the consumer, between “Step 1” (in which the consumer submits a request for information to the server 112) and “Step 4” (in which the server 112 sends the consumer focused information responsive to the request).

Furthermore, the portions of the Koopersmith reference cited by the Examiner do not address the “confirmation system” features of claim 1 discussed above. For example, Koopersmith’s Fig. 4 shows a general diagram of interconnections of computers, but does not describe or suggest that any of the illustrated components are “configured to receive a request for data transmitted from the user computer and to confirm the request for data prior to the transmission of the data to the user computer.”

Koopersmith’s paragraph [0043] describes the server 112 and computer devices 105 as being connected to “freely communicate with each other via network 100.” Koopersmith’s paragraph [0045] describes a “financial clearinghouse 120” for verifying the status of and debiting a consumer’s account. However, those paragraphs do not describe or suggest a

confirmation system configured to receive a request for data from the user computer and then confirm the request prior to transmitting requested data to the user computer.

Koopersmith's paragraph [0048] describes an initial registration process, in which a user submits information (via a questionnaire) to set up an account before submitting a request for information. (See, e.g., Koopersmith, paragraph [0048], lines 1-5: "When consumers 107 initially communicate with trusted entity server 112 via network 100, a registration process is initiated that includes the filling out of an initial questionnaire ...") Paragraph [0085] describes storing the responses to the initial questionnaire in consumer data record 500. The consumer's request for information comes later and is described in Koopersmith's paragraph [0092] and Fig. 6 as "an information request 652." The initial registration process occurs before a request for services is submitted and, thus, is not a confirmation of the request for data (as the request has not been submitted at the time of initial registration).

Accordingly, it is respectfully submitted that Koopersmith neither describes nor suggests the data transmission management system of claim 1 (including a confirmation system configured to receive a request for data transmitted from the user computer and to confirm the request for data prior to the transmission of the data to the user computer). The rejection of claim 1 over Koopersmith is, therefore, respectfully traversed.

2. Dependent Claims 2, 4 and 6:

Claims 2, 4 and 6 are each dependent (directly or indirectly) on claim 1 and are patentably distinguished over the Koopersmith reference at least for reasons as discussed above with respect to base claim 1. In addition, each of claims 2, 4 and 6 are further distinguished from the Koopersmith reference, as apparent from the language of those claims.

For example, claim 2 further recites that the system includes an anti-fraud member that, upon receipt of the request for data, transmits a notice to the user computer requesting confirmation of the request for data. As discussed above, none of the portions of the Koopersmith reference cited by the Examiner disclose or suggest confirming a request for data, and thus do not disclose or suggest sending a notice requesting confirmation to the user upon receipt of a request for data.

With regard to claim 2, the Examiner further cites paragraphs [0091] and [0094] of the Koopersmith reference. (Office Action, section 6.) However, those paragraphs also do not disclose or suggest transmitting a notice to a user computer requesting confirmation of a data request, upon receipt of the data request. Instead, paragraph [0091] describes a storage device (“datamart 525”) that holds demographic data and other information. Paragraph [0094] describes filtering of product information by the server 112, where the filtering uses demographic data. However, neither of those paragraphs describe sending a notice to the user to request confirmation of a data request. Accordingly, claim 2 is further distinguished over the Koopersmith reference.

In addition, claim 4 further recites that “the data receiver is configured to receive an account identifier for an electronic communication account, the account identifier being associated with an electronic communication program.” Claim 6 further recites that the anti-fraud unit is “configured to automatically generate and transmit an electronic communication to the electronic communication account, wherein the electronic communication is directed to the account identifier.” Embodiments described in the present specification refer to an electronic mail (e-mail) account as an example of an electronic communication account, and an electronic mail (e-mail) program as an electronic communication program. (See, e.g., the description of the electronic mail message on page 16 of the present application.)

With regard to claim 4, the Examiner refers to Koopersmith’s “consumer identification number” in paragraph [0100]. That number (along with a password) is used to uniquely identify the consumer to the server 112. (Koopersmith, paragraph [0100], lines 1-4: “For security purposes, purchase request 865 includes a consumer identification number and password combination 864 that uniquely identifies the consumer to trusted entity server 112.”) Thus, Koopersmith’s “consumer identification number” identifies a consumer (and may be associated with a stored demographic data and other information about the consumer).

With regard to claim 6, the Examiner refers to Koopersmith’s paragraph [0091]. As discussed above, paragraph [0091] describes a storage device (“datamart 525”) that holds demographic data and other information. However, neither paragraph [0100] nor paragraph [0091] (nor any other portion of the Koopersmith reference) describes or suggests generating and

transmitting an electronic communication to an electronic communication account (for example, an e-mail account). Accordingly, the further features of claims 4 and 6 yet further distinguish those claims over the Koopersmith reference. The rejection of claims 2, 4 and 6 is, thus, further traversed.

3. New Claims 21-39:

New claims 21-39 are added to further protect aspects of the claimed invention. It is submitted that new claims 21-39 do not add new matter to the application and are distinguished over the prior art of record.

For example, new claim 21 is dependent on claim 1 and recites that the confirmation system is configured to confirm the request for data by sending at least one communication to the user computer requesting that the user send a confirmation message, in response to the request for data from the user computer. New claim 22 is dependent on claim 1 and recites that, upon receipt of a request for data from the user computer, the confirmation system is configured to generate an electronic mail message and transmit the electronic mail message to an electronic mail account associated with a user of the user computer. Claims 21 and 22 are supported by the original specification, for example, but not limited to the second full paragraph of page 11 through page 12 and the last paragraph of page 14 through page 16. As discussed above, Koopersmith neither describes nor suggests sending a communication (or an electronic mail message) to the user, requesting that the user send a confirmation message.

New claim 23 recites a data management system on a communication network for confirming a user's request for transmission of data before providing requested data to the user. The system in claim 23 comprising an anti-fraud member configured to respond to a data request received on the communication network by (a) communicating a request for confirmation to a user associated with the request, (b) determining if the user confirms or does not confirm the data request and (c) provides a notice to direct data to the user in the event of a determination that the user confirmed the data request, where such data is not directed to the user in the event of a determination that the user has not confirmed the data request. The system in claim 23 also includes a re-direct system for selecting data to provide to the user on the communication network in response to receipt of the notice from the anti-fraud unit to direct data to the user.

The system in claim 23 is supported by the original disclosure, for example, in the last paragraph of page 11, through page 12. As discussed above, Koopersmith neither describes nor suggests communicating a request for confirmation to a user associated with a request.

New claim 24 is dependent on claim 23 and recites that the data request is received from a computer connected for communication on the communication network, and wherein communicating the request for confirmation to a user associated with the request comprises providing information to a computer from which the request was received, for displaying a page or window that includes a message requesting the user to confirm the data request. New claim 24 is also supported by the original disclosure, for example, in the sections cited above for support of claim 23. As Koopersmith neither describes nor suggests communicating a request for confirmation to the user, Koopersmith also neither describes nor suggests providing information to a computer from which the request was received for displaying a page or window that includes a message requesting the user to confirm a data request.

New claim 25 is dependent on claim 23 and recites that communicating the request for confirmation to a user associated with the request comprises sending an e-mail message to an e-mail address associated with the user. New claim 25 is also supported by the original disclosure, for example, in the sections cited above for support of claim 23. As Koopersmith neither describes nor suggests communicating a request for confirmation to the user, Koopersmith also neither describes nor suggests sending an e-mail message to an e-mail address associated with the user as part of a communication of a request for confirmation.

New claim 26 is dependent on claim 25, and further recites that the e-mail message describes a predefined action that the user is to perform for confirming the data request. New claim 27 is also dependent on claim 25 and recites that the e-mail message describes a predefined action that the user is to perform for confirming the data request, wherein the predefined action includes at least one of activating a link to information on the communication network, entering and transmitting a specified code on the communication network and calling a predefined telephone number. New claims 26 and 27 are supported by the original disclosure, for example, on page 16. Koopersmith neither describes nor suggests sending an e-mail message to request confirmation, much less to provide an e-mail message that describes a predefined action (or an

action that includes one of activating a link, entering and transmitting a code, or calling a telephone number).

New claim 28 is dependent on claim 23 and further recites that the data request is received from a computer connected for communication on the communication network, and that communicating the request for confirmation to a user associated with the request comprises sending an e-mail message to an e-mail address associated with the user, and providing information to a computer from which the request was received for displaying a page or window that includes a message requesting the user to check for the e-mail. New claim 28 is also supported by the original disclosure, for example, in the sections cited above for support of claim 23. As Koopersmith neither describes nor suggests communicating a request for confirmation to the user, Koopersmith also neither describes nor suggests sending an e-mail message to an e-mail address associated with the user and providing information for displaying a page or window that includes a message requesting the user to check for the e-mail.

New claim 29 is dependent on claim 23 and recites that the re-direct system is configured to identify a geographic region associated with the location of the user from which the data request is received, and to select data associated with the identified geographic region for transmission to the user. New claim 30 is also dependent on claim 23 and recites that the re-direct system comprises: an IP converter configured to generate an IP identifier from one or more selected portions of an IP address associated with the user from which the data request is received, the IP identifier being different than the IP address from which it was generated; a look-up engine configured to match the IP identifier with a particular geographic region; and a re-direct controller configured to determine whether the requested information is appropriate for that particular geographic region and, if not, to select appropriate data for that particular geographic region. New claims 29 and 30 are supported by the original disclosure, at least with respect to the last paragraph of page 12 through page 13 and the second full paragraph of page 17 through page 18. Koopersmith neither describes nor suggests an IP converter configured to generate an IP identifier from one or more selected portions of an IP address associated with the user from which the data request is received, where the IP identifier is different than the IP address from which it was generated.

Each of new claims 31-39 recite a data management method that is supported by the original disclosure and is distinguished from Koopersmith at least for reasons similar to those discussed above with regard to new claims 21-30.

4. Conclusion:

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

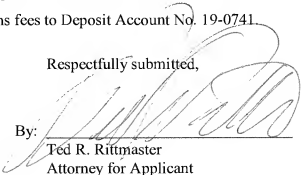
In view of the foregoing Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date: June 3, 2009
FOLEY & LARDNER LLP
Customer Number: 23392
Telephone: (213) 972-4500
Facsimile: (213) 486-0065

By: 
Ted R. Riftmaster
Attorney for Applicant
Registration No. 32,933